

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD
FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,
Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

ORDER ON PENSIONS DISCOVERY MOTIONS

This matter is before the Court on the *Joint Status Report of Movant Ambac Assurance Corporation and Respondents The Financial Oversight and Management Board for Puerto Rico, The Commonwealth of Puerto Rico, and the Puerto Rico Fiscal Agency and Financial Advisory Authority, with Respect to the Pensions Discovery Motions* (Dkt. No. 13261) (the “Joint Status Report”) and the *Joint Urgent Motion by Ambac Assurance Corporation, The Financial Oversight and Management Board for Puerto Rico, The Commonwealth of Puerto Rico, and the Puerto Rico Fiscal Agency and Financial Advisory Authority, Seeking An Order Granting an Adjournment of the*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.

Hearing on the Pensions Discovery Motions (Dkt. No. 13262) (the “Joint Motion”).²

Therein, the movant and respondents to two motions for discovery under Federal Rule of Bankruptcy Procedure 2004 (Dkt. Nos. 7505 and 7507) (together, the “Pensions Discovery Motions”) ask the Court to adjourn the hearing date on the Pensions Discovery Motions from June 3, 2020 to the July Omnibus Hearing, scheduled to take place on July 29, 2020 in order to facilitate meet and confer efforts.

The Pensions Discovery Motions were filed on July 18, 2019. (Dkt. Nos. 7505 and 7507). The Parties have subsequently requested to adjourn the hearing on the Pensions Discovery Motions eight times in order to facilitate meet and confer efforts and in hopes of narrowing any open disputes. (See Joint Status Report ¶ 2). The Court has allowed all such requests. (See id.). In the Joint Status Report, the Parties represent that Ambac has served amended Supplemental Pensions Requests and that the parties are making progress towards completing the production. (Id. ¶¶ 6-7). They propose submitting a further status report by July 23, 2020. (Id. ¶ 8). The Parties further represent that Ambac will not agree to hold the Pensions Discovery Motions in abeyance because “taking the Pensions Discovery Motions off the active calendar would slow progress in resolving these issues, and that the Parties should aim to complete this discovery as expeditiously as feasible.” (Id. ¶ 7).

This Court agrees that the parties’ continued attention to the expeditious resolution of discovery is important. Nevertheless, in light of the numerous extensions allowed with respect to these motions and changes made to the scope of the original discovery requests that are the

² Capitalized terms not defined in this Order shall have the meanings given to them in the Joint Motion.

subject of the Pensions Discovery Motions, the Court hereby DENIES WITHOUT PREJUDICE the Pensions Discovery Motions (Dkt. Nos. 7505 and 7507). Ambac may file a new Rule 2004 motion concerning this discovery matter by **July 23, 2020** which may be heard at the July omnibus hearing scheduled to take place on July 29, 2020.

This order resolves Dkt. Nos. 7505, 7507, 7531, 7588, 7674, 7675, 7714, 7880, 7883 and 13262.

SO ORDERED.

/s / Judith Gail Dein

Judith Gail Dein

United States Magistrate Judge

DATED: May 29, 2020